

term adjustment reconsideration proceedings shall be the following timely filed proceedings initiated on or after September 17, 2012: ... (3) reconsideration proceedings initiated pursuant to a request for reconsideration that seeks reconsideration of the Office's decision under § 1.705(d) regarding patent term adjustment under the Office's former interpretation of the appellate review language of 35 U.S.C. 154(b)(1)(B)(ii) and (C)(iii), if such a request is filed within two months of the date of decision for which reconsideration is requested." This Request for Reconsideration is filed on September 17, 2012, within two months of the Decision mailed on August 15, 2012. Applicants therefore submit that the immediate request is timely.

Moreover, the Decision states that "[t]o the extent that [the Final Rule] revises the interpretation of appellate review applied in this decision, Patentee is given one (1) month or thirty (30) days, whichever is longer, from the date of the final rule to file a request for reconsideration." As noted above, the Decision was mailed on August 15, 2012. The one month period given in the decision therefore ends on Monday, September 17, 2012 (the first non-holiday following Saturday, September 15, 2012). Because the immediate Request for Reconsideration is filed on Monday, September 17, 2012, Applicants submit that the request is timely.

Based on the above, Applicants hereby request correction of the post issuance calculation of PTA to reflect 511 days.

The \$200 fee prescribed by 37 CFR 1.18(e) is enclosed for this application.

The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment, to Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

By:

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09/18/2012 INTEFSW 00002287 09222336
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11 REFUND REQUESTED BY:					
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